

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN RE)	Chapter 7
)	
DENNIS P. HUGHES JR.,)	CASE NO. 15-11320-REG-7
TRACY REINA)	
)	
Debtor(s))	

MOTION FOR RELIEF FROM STAY AND TO ABANDON REAL ESTATE

Comes now U.S. Bank, N.A., successor trustee to LaSalle Bank National Association, on behalf of the holders of Bear Stearns Asset Backed Securities I Trust 2006-HE1, Asset-Backed Certificates Series 2006-HE1, (hereinafter referred to as "U.S. Bank"), by counsel, and for its Motion for Relief From Stay and to Abandon Real Estate would show the Court as follows:

1. On May 27, 2015, the above-named Debtor(s) filed a petition pursuant to Chapter 7 of the Bankruptcy Code.

2. U.S. Bank is the holder of a secured claim. Said claim is secured by the real property located at 2121 Rehm Dr, Fort Wayne, IN 46819-1609, and more particularly described in the mortgage, a copy of which is attached hereto and incorporated herein as **Exhibit "A"**. The legal description for the subject real estate is:

Lot 60 in Elzey's Fourth Addition to the Original Plat of Waynedale (now City of Fort Wayne), according to the plat thereof recorded in the Office of the Recorder of Allen County, Indiana.

3. The above-described mortgage was given to secure a promissory note dated July 29, 2005, made payable to Acoustic Home Loans, LLC in the original principal sum of \$63,000.00. A copy of the above-described note is attached hereto and incorporated herein as **Exhibit "B"**.

4. U.S. Bank is the current holder of the promissory note and mortgage and is evidenced by the chain of assignments attached hereto and incorporated as **Exhibit "C"**.

5. The debt has not been reaffirmed with U.S. Bank, which is owed an outstanding principal balance of \$82,194.37. The Broker's Price Opinion attached hereto as **Exhibit "D"** reflects a property value of \$57,000.00. Therefore, there is no equity in the subject real estate for the benefit of creditors.

6. The mortgage loan is due for June 1, 2013 through October 1, 2014 payments at the monthly mortgage amount of \$644.35, November 1, 2014 through February 1, 2015 payments at the monthly mortgage amount of \$537.87, March 1, 2015 through June 1, 2015 payments at the monthly mortgage amount of \$629.36, and late charges of \$135.05, for an arrearage in the sum of \$15,757.92, together with attorney fees and costs.

7. The failure to make payments and the lack of equity in the subject real estate is cause for the Court to grant relief from the Stay to U.S. Bank within the meaning of §362 of the Bankruptcy Code.

8. U.S. Bank prays that the court order the abandonment of the subject real estate.

9. U.S. Bank further moves that the court waive the 14 Day Stay imposed by B.R. 4001(a)(3) in any Order entered herein.

WHEREFORE, U.S. Bank prays that the Court terminate the automatic stay of §362 of the Bankruptcy Code, authorize U.S. Bank to foreclose its mortgage on the above-described property, order the abandonment of the subject real estate and for all other relief as is just.

FEIWELL & HANNOY, P.C.

/s/JESSICA S. OWENS

JESSICA S. OWENS, Attorney No. 26533-49
Attorney for U.S. Bank, N.A., successor trustee to
LaSalle Bank National Association, on behalf of the
holders of Bear Stearns Asset Backed Securities I
Trust 2006-HE1, Asset-Backed Certificates Series
2006-HE1
251 N. Illinois Street, Suite 1700
Indianapolis, IN 46204-1944
(317) 237-2727
Fax: (317) 237-2717
Email: jowens@feiwellhannoy.com

CERTIFICATE OF SERVICE

The undersigned does hereby certify that the foregoing has been duly electronically noticed or mailed via United States mail, first class, on June 16, 2015, to the following:

Dennis P. Hughes Jr. and Tracy Reina
Debtor
2121 Rehm Dr
Fort Wayne, IN 46819-1609

Steven J Glaser
Attorney at Law
132 E. Berry St
Fort Wayne, IN 46802

Yvette Gaff Kleven
Trustee
927 South Harrison Street
Fort Wayne, IN 46802

Nancy J. Gargula
U.S. Trustee
100 East Wayne Street, Room 555
South Bend, IN 46601

/s/JESSICA S. OWENS
JESSICA S. OWENS, Attorney No.
26533-49

NOTICE

FEIWELL & HANNOY, P.C. IS A DEBT COLLECTOR.

The entity which has the right to foreclose is: U.S. Bank, N.A., successor trustee to LaSalle Bank National Association, on behalf of the holders of Bear Stearns Asset Backed Securities I Trust 2006-HE1, Asset-Backed Certificates Series 2006-HE1 by virtue of being the holder and owner of the note.